

SENATE BILL REPORT

HB 2469

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 21, 2008

Title: An act relating to authorizing structures in waterways.

Brief Description: Eliminating references to pierhead lines and regarding authorizing structures within waterways.

Sponsors: Representatives Upthegrove, VanDeWege, Hinkle, Dickerson and Lantz; by request of Department of Natural Resources.

Brief History: Passed House: 2/13/08, 96-0.

Committee Activity: Natural Resources, Ocean & Recreation:2/21/08 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass.

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Rockefeller, Spanel, Stevens and Swecker.

Staff: Karen Epps (786-7424)

Background: A pierhead line is the authorized waterward limit of any in-water structure such as docks, piers, gangways, ramps, groins, jetties, or any other structure projecting from the shoreline. The federal waterways are maintained by the Army Corps of Engineers under the Rivers and Harbors Act. Regardless of pierhead lines, any plans to build in or modify waterways must receive a permit from the Army Corps of Engineers.

Current statutes require establishment of pierhead lines before the Department of Natural Resources (DNR) issues a permit and structures are constructed. The Army Corps of Engineers may issue a permit without establishing a pierhead line, but DNR would still require the establishment of a pierhead line. The permit from DNR determines all the terms and conditions of a project for a period no longer than 30 years. DNR may cancel any permit upon 60 days' notice if there has been a substantial breach by the permittee of any of the permit conditions.

Summary of Bill: The jurisdiction of the federal government over navigable waters without reference to pierhead lines is described. Additionally, DNR may cancel any permit after 60 days' notice if a waterway is required for public highway purposes.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Removing the reference to pierhead lines will not affect the role of the federal government or DNR's authority to issue permits. This will modernize the statute.

Persons Testifying: PRO: Fran McNair, Department of Natural Resources.